

**MINUTES OF THE
TRANSPORTATION INTERIM COMMITTEE**

Wednesday, September 21, 2011 – 2:00 p.m. – Room 25 House Building

Members Present:

Sen. Kevin T. Van Tassell, Senate Chair
Rep. Bradley M. Daw, House Chair
Sen. Peter C. Knudson
Sen. Karen Mayne
Sen. Daniel W. Thatcher
Rep. Stewart Barlow
Rep. Rebecca P. Edwards
Rep. Janice M. Fisher
Rep. Stephen G. Handy
Rep. Lynn N. Hemingway
Rep. Todd E. Kiser
Rep. Bradley G. Last

Rep. Carol Spackman Moss
Rep. Val L. Peterson
Rep. Kraig Powell
Rep. Holly J. Richardson
Rep. Kenneth W. Sumsion

Members Absent:

Sen. Scott K. Jenkins

Staff Present:

Mr. Leif G. Elder, Policy Analyst
Ms. Shannon C. Halverson, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Daw called the meeting to order at 3:00 p.m.

MOTION: Rep. Moss moved to approve the minutes of the July 20, 2011 meeting. The motion passed unanimously. Rep. Sumsion was absent for the vote.

2. Draft Legislation, "Amendments to Driver License Suspension for Driving Under the Influence Offenses"

Rep. Daw turned the gavel to Chair Van Tassell.

Rep. Edwards presented 2012 General Session draft legislation, "Amendments to Driver License Suspension for Driving Under the Influence Offenses" (2011S3-0033/002), which is being sponsored by Sen. Jenkins. Rep. Edwards noted the legislation will fix a clerical oversight made in 2011 General Session S.B. 28, "Alcohol or Drug Related Offense Amendments."

MOTION: Rep. Edwards moved to recommend 2012 General Session draft legislation, "Amendments to Driver License Suspension for Driving Under the Influence Offenses" (2011S3-0033/002), as a committee bill. The motion passed unanimously. Rep. Sumsion was absent for the vote.

3. Federal Highway Program Update

Ms. Linda Hull, Director, Legislative and Government Affairs, Utah Department of Transportation, presented "Federal Highway Program Update." Ms. Hull briefed committee members on sources of funding for UDOT projects, distribution of federal funds, and the current status of appropriations for fiscal year 2012.

No action was taken on this item.

4. Utah Transit Authority (UTA) Audits

Mr. Elder briefed committee members on recent UTA audits.

Mr. Chris Otto, Audit Supervisor, Office of the Legislative Auditor General (OLAG), presented and reviewed "A Limited Review of Conflict of Interest Allegations at the Utah Transit Authority Board" which was distributed in the mailing packet.

Sen. Curtis Bramble noted that the Utah Public Officers' and Employees' Ethics Act brings all UTA board members under the same provisions as any officer or employee of the state of Utah with regard to ethical conduct, and that there may be some areas in the act that need to be addressed.

Public comment was offered by former Rep. Cheryl Allen, Utahns For Ethical Government, Mr. Douglas Clark, Mr. Roger Kehr, Ms. Claire Gedes, lobbyist, Mr. Mark Machlis, Ms. Summer Pugh, Citizens for Responsible Transportation, and Mr. Zachary Frankel, Executive Director, Utah Rivers Council.

Committee discussion followed.

Rep. Greg Hughes, Chair, UTA Board of Trustees, said he has been a member of the Board since 2006 when a bill was passed to allow elected officials to serve on UTA's Board. Rep. Hughes noted changes made in Board activities during his tenure including public meetings, which serve to make UTA's planning and development projects transparent to the press and public. He cited findings contained in the audit which state that although a conflict of interest did exist, proper disclosures were made and that no evidence was found to support concerns that a trustee interfered in the site selection of a FrontRunner stop in Draper. Rep. Hughes stated that board members must comply with UTA policy and state law regarding conflicts of interest.

Mr. Brent Miller, Davis County Commissioner and UTA Board of Trustees, spoke in support of the findings of the audit.

Mr. Ben Southworth, West Jordan City Council member, and UTA Board of Trustees, spoke to the issue of financial responsibility.

Mr. Chris Bleak, UTA Board of Trustees, stated that UTA's ethics and disclosure policy is among the strongest in both current internal policy and statute and noted changes in UTA policy which require trustees to sign an annual affidavit stating that they have no interest in any transit-oriented development or transit-supportive development.

Mr. John Fellows, General Counsel, Office of Legislative Research and General Counsel, responding to a query by Sen. Van Tassell, cited Utah Code Subsection 67-5-1(7) and indicated that the Committee may request the attorney general's office to investigate the issue, but it would be inappropriate to direct them to do so.

MOTION: Rep. Last moved that the Committee refer the possible misdemeanor violation to the Office of the Attorney General, as such consideration was recommended in the audit.

Mr. Fellows noted that the recommendation that the matter be referred to the Attorney General was from the auditors to the Audit Subcommittee and that the Audit Subcommittee did not make a motion to refer this issue to the Office of the Attorney General.

Committee discussion followed. Rep. Last withdrew the motion.

5. Update of UTA Construction and Transit Projects

Mr. Michael Edward, General Manager, UTA, reviewed the history of UTA. Mr. Edwards discussed the contributions of UTA to the state's economy and the additional bus routes and TRAX lines which will be in service in the near future.

Chair Van Tassell welcomed Rep. Stewart Barlow as a new member of the Committee.

6. Other Items / Adjourn

MOTION: Rep. Barlow moved to adjourn the meeting. The motion passed unanimously. Sen. Knudson, Sen. Mayne, Rep. Edwards, Rep. Last, and Rep. Powell were absent for the vote.

Chair Van Tassell adjourned the meeting at 4:59 p.m.